United Nations S/2001/389

Security Council

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Letter dated 20 April 2001 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the Security Council

I have the honour in my capacity as Chairman of the Islamic Group at the United Nations to request that the Security Council extend an invitation to participate in the discussion without the right to vote, under rule 39 of the provisional rules of procedure of the Council, to His Excellency Mr. Mokhtar Lamani, Permanent Observer of the Organization of the Islamic Conference to the United Nations, during the Council's discussion on the agenda item entitled "The protection of civilians in armed conflict", which will be held on Monday, 23 April 2001.

(*Signed*) Hasmy **Agam**
Ambassador
Permanent Representative

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General Assembly
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Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-sixth year

Identical letters dated 19 April 2001 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the President of the General Assembly and to the President of the Security Council

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to draw your attention to the dangerously rapid escalation in the past several days of military actions by the Israel Defence Forces (IDF) in the Occupied Palestinian Territory, including Jerusalem.

In my letter dated 5 April 2001 (A/ES-10/73-S/2001/335), I expressed the Committee's concern at the violence and bloodshed on the ground. The Israeli military attacks have now been taken to a new level of intensity, particularly in the Gaza Strip. On 17 April 2001, following a massive land, air and sea operation, the Israeli army occupied the area, imposing a blockade on the Gaza City and dissecting the Gaza Strip into three separate parts. According to news reports, in the course of the operation Israeli troops have advanced at least half a mile into the Palestinian territory and have captured six Palestinian police positions along the eastern border of the Gaza Strip. In this operation, IDF used heavy machine-guns, tanks, armoured personnel carriers, helicopter gunships, artillery and sea-launched surface-to-surface missiles. The army has also closed all major roads and the Gaza International Airport. Palestinian Authority border police positions at Beit Hanoun — an area under full Palestinian control — have been occupied. Rockets have also hit buildings in Deir el-Balah and Rafah in the central and southern Gaza Strip, respectively. As a result of this military operation, four Palestinians were reported killed, including a 9-year-old and two teenagers, and some 40 wounded, including women. After having withdrawn from the Gaza Strip, IDF re-entered its southern part the next day, destroying a Palestinian police station. In the West Bank, Israeli tanks fired shells at the Bethlehem area towns of Beit Jalla, Beit Sahur, Al-Khader and two nearby Palestinian refugee camps. Heavy exchanges of gunfire have also been reported in Hebron.

01-34225 (E) 200401

Our Committee is shocked and appalled by these developments. Once again, the IDF response to Palestinian attacks has been extremely harsh and disproportionate. We have always held the view that the Government of Israel should abide by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. Israel's continued refusal to do so will perpetuate the dispossession of the Palestinian people, bring greater instability to the region, and will undermine any attempts to normalize the situation. Also, the international community has acknowledged that the core of the problem continues to be the illegal Israeli occupation of the Palestinian Territory, including Jerusalem.

The Committee is extremely worried by the illegal incursion of IDF into the areas of the Gaza Strip that are under full Palestinian control. In this connection, the Committee emphasizes that the Israeli reoccupation of these parts of the Gaza Strip constitutes a clear and serious violation of the agreements signed by the parties as part of the peace process.

In the light of the above, prompt and decisive international action is needed to stop the current spate of violence and resume the peace negotiations. The international community should also recognize its moral responsibility for the Palestinian people, deprived of its inalienable rights for over half a century. The position of our Committee in that regard is that the United Nations should continue to maintain its permanent responsibility towards all aspects of the question of Palestine until it is resolved in a satisfactory manner, in conformity with relevant United Nations resolutions and norms of international law and until the inalienable rights of the Palestinian people are fully realized.

We, in the Committee, have again urged the Secretary-General to intensify contacts with all the parties concerned in order to help bring the crisis to an end and restart the Israeli-Palestinian dialogue. In view of a particularly tense and volatile situation on the ground, efforts within the United Nations to ensure protection of Palestinian civilians acquire special urgency.

I should be grateful if you would have the text of the present letter circulated as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Ibra Deguène **Ka**
Chairman of the Committee on the Exercise of
the Inalienable Rights of the Palestinian People

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Security Council

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20 April 2001

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Letter dated 19 April 2001 from the Secretary-General to the President of the Security Council

I have the honour to refer to resolution 827 (1993) of 25 May 1993, by which the Security Council established the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (the "International Tribunal").

I also have the honour to refer to Security Council resolutions 1166 (1998) of 13 May 1998 and 1329 (2000) of 30 November 2000, by which the Council amended the statute of the International Tribunal, as adopted in resolution 827 (1993).

Articles 13 and 13 ter of the statute of the International Tribunal, as amended, provide as follows:

"Article 13

"Qualifications of judges

"The permanent and ad litem judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers and sections of the Trial Chambers, due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

"Article 13 ter

"Election and appointment of ad litem judges

"1. The ad litem judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for ad litem judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

01-34245 (E) 200401

(b) Within sixty days of the date of invitation of the Secretary-General, each State may nominate up to four candidates meeting the qualifications set out in article 13 of the Statute, taking into account the importance of a fair representation of female and male candidates;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than fifty-four candidates, taking due account of the adequate representation of the principal legal systems of the world and bearing in mind the importance of equitable geographical distribution;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the twenty-seven ad litem judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected;

(e) The ad litem judges shall be elected for a term of four years. They shall not be eligible for re-election.

"2. During their term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the International Tribunal, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years. When requesting the appointment of any particular ad litem judge, the President of the International Tribunal shall bear in mind the criteria set out in article 13 of the Statute regarding the composition of the Chambers and sections of Trial Chambers, the considerations set out in paragraphs 1 (b) and (c) above and the number of votes the ad litem judge received in the General Assembly."

Pursuant to paragraph 1 (a) of article 13 ter of the statute of the International Tribunal, States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters were invited, by means of a letter dated 15 February 2001, to submit nominations for 27 ad litem judges of the International Tribunal, and were informed that, within 60 days of the date of that letter, they might nominate up to four candidates meeting the qualifications set out in what is now article 13 of the Tribunal's statute, following the amendments that were introduced by the Security Council in its resolution 1329 (2000).

They were informed that, should they decide to nominate two or more candidates, then they were at liberty, should they wish to do so, to nominate candidates who were of the same nationality as each other. They were also informed that they were at liberty, should they wish to do so, to nominate a candidate or candidates who were of the same nationality as a permanent judge of the International Tribunal.

They were further advised that, should they decide to nominate a candidate or candidates, then, in accordance with paragraph 1 (b) of article 13 ter of the Tribunal's statute, they should take into account the importance of a fair representation of female and male candidates.

Pursuant to paragraph 1 (c) of article 13 ter of the statute of the International Tribunal, as amended by the Security Council in its resolution 1329 (2000), I have the honour herewith to forward to the Council the 60 nominations which I have received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the 60-day period specified in paragraph 1 (b) of article 13 ter of the statute as amended (see annex). The list of candidates is set out in alphabetical order, together with the curricula vitae which have been provided to me in connection with their nominations.

I would like to take this opportunity to note that, pursuant to paragraph 1 (a) of article 13 quater of the statute of the International Tribunal as amended, the ad litem judges of the International Tribunal elected in accordance with article 13 ter are required, during the period in which they are appointed to serve in the Tribunal, to serve on a full-time basis and may not during that time, engage in any other occupation of a professional nature or exercise any political or administrative function.

I would also take this opportunity to note that, although the ad litem judges are not expected at any point to take up residence at the seat of the International Tribunal in The Hague, they are expected to hold themselves fully at the disposal of the Tribunal during the period in which they are appointed to serve in the Tribunal.

(*Signed*) Kofi A. **Annan**

Annex to the letter dated 19 April 2001 from the Secretary-General to the President of the Security Council

List of candidates nominated by Governments (in alphabetical order)

No.	Name	National of	Nominated by the Government(s) of
1.	Mr. Aydin Sefa Akay	Turkey	Turkey
2.	Ms. Carmen María Argibay	Argentina	Argentina
3.	Ms. Lucy Asuagbor	Cameroon	Cameroon
4.	Mr. Jeremy Badgery-Parker	Australia	Australia
5.	Mr. Chifumu Kingdom Banda	Zambia	Zambia
6.	Mr. Roberto Bellelli	Italy	Italy
7.	Mr. Pierre G. Boutet	Canada	Canada
8.	Mr. Hans Henrik Brydensholt	Denmark	Denmark
9.	Mr. Guibril Camara	Senegal	Senegal
10.	Mr. Joaquín Martín Canivell	Spain	Spain
11.	Mr. Romeo T. Capulong	Philippines	Philippines
12.	Mr. Oscar Ceville	Panama	Panama
13.	Mr. Isaac Chibulu Tantameni Chali	Zambia	Zambia
14.	Mr. Arthur Chaskalson	South Africa	South Africa
15.	Ms. Maureen Harding Clark	Ireland	Ireland
16.	Mr. Cenk Alp Durak	Turkey	Turkey
17.	Mr. Moïse Ebongue	Cameroon	Cameroon
18.	Mr. Mathew Epuli	Cameroon	Cameroon

19.	Mr. Albin Eser	Germany	Germany
20.	Mr. Mohamed Al Habib Fassi Fihri	Morocco	Morocco
21.	Mr. John Foster Gallop	Australia	Australia
22.	Mr. Joseph Nassif Ghamroun	Lebanon	Lebanon
23.	Mr. Michael Grotz	Germany	Germany
24.	Mr. Calude Hanoteau	France	France
25.	Mr. Hassan Bubacarr Jallow	Gambia	Gambia
26.	Ms. Ivana Janů	Czech Republic	Czech Republic
27.	Mr. Aykut Kiliç	Turkey	Turkey
28.	Ms. Flavia Lattanzi	Italy	Italy
29.	Mr. Per-Johan Lindholm	Finland	Finland
30.	Mr. Agustín P. Lobejón	Spain	Spain
31.	Ms. Irene Chirwa Mambilima	Zambia	Zambia
32.	Mr. Dick F. Marty	Switzerland	Switzerland
33.	Ms. Jane Hamilton Mathews	Australia	Australia
34.	Ms. Suzanne Mengue Zomo	Cameroon	Cameroon
35.	Mr. Ghulam Mujaddid Mirza	Pakistan	Pakistan
36.	Mr. Ahmad Aref Moallem	Lebanon	Lebanon
37.	Mr. Mphanza Patrick Mvunga	Zambia	Zambia
38.	Mr. Rafael Nieto-Navia	Colombia	Colombia
39.	Mr. Léopold Ntahompagaze	Burundi	Burundi
40.	Mr. André Ntahomvukiye	Burundi	Burundi

41.	Mr. Cesar Pereira Burgos	Panama	Panama
42.	Mr. Mauro Politi	Italy	Italy
43.	Ms. Vonimbolana Rasoazanany	Madagascar	Madagascar
44.	Mr. Ralph Riachy	Lebanon	Lebanon
45.	Mr. Ingo Risch	Germany	Germany
46.	Mr. Robert Roth	Switzerland	Switzerland
47.	Mr. Zacharie Rwamaza	Burundi	Burundi
48.	Mr. Sourahata Babouccar Semega-Janneh	Gambia	Gambia
49.	Mr. Tom Farquhar Shepherdson	Australia	Australia
50.	Mr. Amarjeet Singh	Singapore	Singapore
51.	Ms. Ayla Songör	Turkey	Turkey
52.	Mr. Albertus Henricus Joannes Swart	Netherlands	Netherlands
53.	Mr. György Szénási	Hungary	Hungary
54.	Mr. Ahmad Takkieddine	Lebanon	Lebanon
55.	Mr. Krister Tholin	Sweden	Sweden
56.	Mr. Stefan Trechsel	Switzerland	Switzerland
57.	Ms. Christine Van Den Wyngaert	Belgium	Belgium
58.	Mr. Volodymyr Vassylenko	Ukraine	Ukraine
59.	Mr. Lal Chand Vohrah	Malaysia	Malaysia
60.	Ms. Sharon A. Williams	Canada	Canada

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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-sixth year

Letter dated 19 April 2001 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to draw your attention to the dangerously rapid escalation in the past several days of military actions by the Israel Defence Forces (IDF) in the Occupied Palestinian Territory, including Jerusalem.

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Our Committee is shocked and appalled by these developments. Once again, the IDF response to Palestinian attacks has been extremely harsh and

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disproportionate. We have always held the view that the Government of Israel should abide by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. Israel's continued refusal to do so will perpetuate the dispossession of the Palestinian people, bring greater instability to the region, and will undermine any attempts to normalize the situation. Also, the international community has acknowledged that the core of the problem continues to be the illegal Israeli occupation of the Palestinian Territory, including Jerusalem.

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We, in the Committee, urge you again to intensify contacts with all the parties concerned in order to help bring the crisis to an end and restart the Israeli-Palestinian dialogue. In view of a particularly tense and volatile situation on the ground, efforts within the United Nations to ensure protection of Palestinian civilians acquire special urgency.

I should be grateful if you would have the text of the present letter circulated as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Ibra Deguène **Ka**
Chairman of the Committee on the Exercise of
the Inalienable Rights of the Palestinian People

United Nations S/2001/393

Security Council

Distr.: General
23 April 2001
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Original: French

Letter dated 18 April 2001 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the official communiqués of the Chair of the Al-Quds Committee (annex I) and the Ministry of Foreign Affairs and Cooperation (annex II) concerning the recent Israeli acts of aggression against the countries of the region, which constitute a dangerous setback to the peace process and are leading to a resurgence of violence in the region.

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the Security Council.

(*Signed*) Mohamed **Bennouna**
Ambassador
Permanent Representative

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Annex I to the letter dated 18 April 2001 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

Communiqué by the Chair of the Al-Quds Committee

In response to the resurgence of acts of violence, the iniquitous and unjustified use of force by the Israeli occupying forces against unarmed Palestinians, and the provocations and threats issued by the head of the Israeli Government to attack the Holy Places of Al-Quds al-Sharif and to authorize the extremists to enter the precincts of the mosque, in violation of all religious values and of international conventions and custom, His Majesty King Mohammed VI (may God be with him), Chairman of the Al-Quds Committee, strongly condemns these actions and denounces these threats.

His Majesty the King, whom God preserve, calls on the international community and the United Nations to act as a matter of urgency to assume their responsibilities for the implementation of the United Nations resolutions on the protection of civilians and of the Holy Places, and to put an end to the Israeli acts of aggression which pose the threat of a resurgence of violence and tension in the region, endangering international peace and security.

His Majesty the King, may God be with him, urges the international community and all peace-loving people throughout the world to intervene with the Israeli Government to induce it to renounce its intransigence, the show of force and the logic of occupation and to exhibit wisdom, reason and dialogue on the basis of international legitimacy and of United Nations resolutions.

Annex II to the letter dated 18 April 2001 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

Communiqué of the Ministry of Foreign Affairs and Cooperation

Morocco condemns the totally unjustified raid conducted by Israel against fraternal Lebanon and the Syrian forces in the Bekaa.

Morocco considers that this Israeli aggression constitutes a dangerous setback to the peace process in the region that is capable of leading to a resurgence of violence and of heightening the tensions in the Middle East.

Morocco calls on the international community to intervene in order to induce Israel to halt its acts of aggression against the countries of the region and withdraw from the occupied Arab territories in Palestine, the Syrian Arab Republic and Lebanon, and to oblige it to pursue the peace process in conformity with United Nations resolutions and international legitimacy.